IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

MONDAY, THE 25TH JUNE 2007 / 4TH ASHADHA 1929

WP(C).No. 19405 of 2007(I)

PETITIONER:

ADAM M., AGED 41 YEARS,
SENIOR CLERK, NALLURNADU SERVICE CO-OPERATIVE
BANK, WYNAD (S/O. MUHAMMED, MOODAMBATH HOUSE,
NALLURNADU P.O., WYNAD).

BY ADV. SRI.M.SASINDRAN

RESPONDENTS:

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1. THE JOINT REGISTRAR OF CO-OPERATIVE
SOCIETIES (GENERAL), WYNAD.

2. KERALA CO-OPERTIVE EXAMINATION BOARD,
REPRESENTED BY ITS SECRETARY,THIRUVANANTHAPURAM.

3. NALLURNAD SERVICE CO-OPERATIVE BANK LTD.
NO.6913,NALLURNAD P.O.,DWARAKA,MANANTHAVADY-670645
REPRESENTED BY ITS SECRETARY.

ADDL. R4 IMPLEADED.

4. GOVTERNMENT OF KERALA,
REPRESENTED BY SECRETARY,
DEPARTMENT OF CO-OPERATION,
THIRUVANANTHAPURAM.

ADDL. R4 IS SUO MOTU IMPLEADED AS PER THE JUDGMENT IN THE WRIT PETITION DTD. 25.6.2007.
BY SR. GOVT.PLEADER SRI. P.N. SANTHOSH.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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WP.(C) No.19405 of 2007

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Dated this the 25th day of June, 2007

JUDGMENT

Exts.P2 and P8 are challenged before this court. By Ext.P2 resolution the third respondent Society has decided to fill up the post of Internal Auditor by direct recruitment. Petitioner also challenges Ext.P3. Ext.P3 is a notification, which is apparently issued pursuant to Ext.P2. Ext.P8 is an order by which the first respondent rejected the petition filed by the petitioner under Section 176(1) of the Kerala Co-operative Societies Act seeking to rescind the resolution. There is no dispute that the petitioner has an alternate remedy in the form of appeal under Section 83 of the Kerala Co-operative Societies Act.

2. Government Pleader also does not dispute that the Government has power to issue interim orders. In such circumstances, I am not inclined to admit this writ petition and I feel that the petitioner should be relegated to the pursuit of the alternate remedy by way of appeal.

3. Government of Kerala, represented by Secretary, Department

of Co-operation, Thiruvananthapuram is suo motu impleaded as additional respondent No.4 in the writ petition. Government Pleader appears for the additional third respondent.

In such circumstances, the writ petition is disposed of as follows:

If the petitioner files an appeal within the prescribed time and also moves an application seeking interim order in the matter, the additional fourth respondent will pass appropriate orders in accordance with law within a period of five days from the date of receipt of the application.

(K.M. JOSEPH, JUDGE)

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